

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CARRIE LUCERO,

Plaintiff,

v.

No. CIV-13-0803 LAM

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration,

Defendant.


**ORDER GRANTING PLAINTIFF'S MOTION FOR ATTORNEY FEES**  
**UNDER THE EQUAL ACCESS TO JUSTICE ACT**

**THIS MATTER** is before the Court on Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support* (Doc. 21) in the amount of \$7,527.40 for attorney fees. On February 16, 2015, Plaintiff filed a *Notice of Completion of Briefing* (Doc. 22), stating that, on February 3, 2015, Defendant informed Plaintiff's counsel that she would not oppose the motion. The Court, having considered the motion, the record in this case, and the relevant law, and being otherwise fully advised **FINDS** that Plaintiff's motion is well-taken and will be **GRANTED**.

**WHEREFORE, IT IS HEREBY ORDERED** that Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support* (Doc. 21) is **GRANTED**, and Plaintiff is authorized to receive **\$7,527.40** for payment to Plaintiff's attorney for services before this Court, as permitted by the Equal Access to Justice Act, 28 U.S.C. § 2412, and in accordance with *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).

**IT IS FURTHER ORDERED** that, if Plaintiff's counsel is ultimately granted attorney fees pursuant to 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's attorney shall refund the smaller award to Plaintiff pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 596 n.4 (2010) (explaining that, if a claimant's counsel is ultimately granted attorney fees under § 406(b) out of the claimant's benefit award, the claimant's attorney must refund to the claimant the amount of the smaller fee).

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**  
**Presiding by Consent**